TORTS—CIVIL RIGHTS—RIGHTS OF PRIVACY.—BINNS V. AMERICAN VITAGRAPH CO., 132 N. Y., SUPP., 237.—*Held,* that where one is greatly disturbed in his mind and his feelings are injured by the unlawful use of his name and picture he may recover exemplary damages. McLaughlin, J., *dissenting.*

The common law regards the person as inviolate and recognizes one's right to be let alone. *Cooley on Torts,* p. 29; *Harvard Law Review,* Dec. 15, 1890. The mere fact that the cause of an injury is novel does not leave it without a remedy.*Kiyek v. Goldman,* 150 N. Y., 176. There is authority in support of the principle case, *Marks v. Jaffa,* 6 N. Y. Misc., 290, and the English courts are in accord with the doctrine. *Tuck v. Priester,* 192 B. D., 639 (1887); *Prince Albert v. Strang,* 1 Masn., 825; *Pollard v. Photograph Co.,* 40 Ch. Div., 345 (1888). By the great weight of opinion relatives cannot collect damages for injuries to their feelings through the publishing of pictures of their dead. *Corliss v. Walker,* 57 Fed., 434; *Atkinson v. Doherty,* 121 Mich., 372; *Schuyler v. Curtis,* 147 N. Y., 434.

WILLS—NUNCUPATIVE WILL.—MITCHELL V. STANTON, 139 S. W., 1034 (TEX.).—*Held,* a nuncupative will does not pass title to realty.

A nuncupative will is one that is not in writing ,and exists only when the testator declares his will orally before a sufficient number of witnesses, while he is in his last sickness. *Estate of Miller,* 47 Wash., 253; *Wiley's Estate,* 187 Pa., 82. The doctrine of nuncupative will is derived from the civil law and was incorporated into the common law, before the statute of wills. *Prince v. Hazleton,* 20 Johns., 519. It was a common mode of devising property among seamen, sailors, and soldiers in service. These devises and bequests were usually of personalty, or realty of small amounts. *Lewis v. Aylott,* 45 Texas, 190. The words spoken to constitute a nuncupative will must manifest an intent to make a will, and must be spoken *in extremis. Sykes v. Sykes,* 2 Stew., 364; *Morgan v. Steves,* 78 Ill., 287. It is well established that personal property may be bequeathed by a nuncupative will. *Godfrey v. Smith,* 73 Neb., 756. In some states, under statutory provisions realty may be devised by a nuncupative will. *Gillis v. Willer,* 10 Ohio, 463. The weight of authority however is that realty cannot be devised by a nuncupative will. *Palmer v. Palmer,* 2 Dana, 390; *Pierce v. Pierce,* 46 Ind., 86.

WILLS—WILL OF MARRIED WOMAN—CONSENT OF HUSBAND.—ERICKSON V. ROBERTSON, 133 N. W., 164 (MINN.).—*Held,* that written consent by the husband to the devise by the wife of her real property is valid and effectual without consideration, though given in furtherance of a void written agreement between husband and wife, by which each, in terms, released all interest in the other's real property; the wife having performed her part of the agreement.

At common law the will of a married woman devising her real property was void even though made with her husband's consent. *2Bla. Com.,*